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07/044,086 04/29/87 CROSS

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COVINGTON, R

129

07/19/89

☐ This application has been examined ☒ Responsive to communication filed on 4/20/89 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.                   |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/>  |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-5, 7-11, 13-17, 19-23, 25-29, 31-35, 37-41, 44-48, 50-59 are pending in the application.  
Of the above, claims 55, 57 & 59 are withdrawn from consideration.
2. ☒ Claims 6, 12, 18, 24, 30, 36, 42, 43 & 49 have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-5, 7-11, 13-17, 19-23, 25-29, 31-35, 37-41, 44-48, 50-54, 56 & 58 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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Applicant's comments regarding restriction requirement have been noted and considered. However the requirement is deemed sound and adhered to for reasons of record and hereby made final. In addition, it must be pointed out that there is no common core because the X substituent of the core<sup>on ring</sup> ~~is~~ reference anticipating one species would not render the other unpatentable.

The text of those sections of Title 35 U. S. Code not included in this action can be found in a prior Office action.

Claims 1-5, 7-11, 13-17, 19-23, 25-29, 31-35, 37-41, 44-48, 50-54, 56 and 58 are again rejected under 35 U.S.C. 103 as being unpatentable over Ainsworth et al I, Ainsworth et al II taken with Howe et al, Larsen et al I, Larsen et al II in view of Hester or Mortley et al. The references are applied as in the previous Office action.

Regarding applicant's comments it is pointed<sup>out</sup> that the claims are drawn to compounds per se notwithstanding their intended use. It is recognized that Hester discloses that analogous compounds lacking hydroxy substituents on the phenyl rings and central alkyl chain enhances the Class III Antiarrhythmic activity of analogous compounds. See Hester page 4 line 1-14. In addition, Hester also discloses that Larsen et al I and II have similar activity. See page 3 line 13-30 particularly line 28-30. It is further taught that the

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compounds of Larsen et al I and II also have  $\beta$ -blocking activity. Because of their close structural relationship one would thus expect similar activity from analogous compounds lacking the hydroxy substituents. Particularly in further view of Hartley et al which teach analogous compounds absent hydroxy substituents on the central alkyl chain having similar activity. See page 1 lines 15-25, 35-40 and 58-69. Either way it would be obvious to modify the analogous compounds of Ainsworth et al I and II so as to obtain these enhanced biological effects as the results, improved cardiac functioning, would not be unexpected and therefore unpatentable.

No claim is allowed.

Any inquiry concerning this communication should be directed to R. Covington at telephone number 703-557-1205.

<sup>76</sup>  
COVINGTON:drb

A/C 703 557-3920

7/17/89

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